

### REMARKS

In response to the Office Action dated March 5, 2009, Applicant respectfully requests reconsideration.

Claims 1-21 have been examined. By this submission, Applicant is cancelling claims 10 and 17; amending claims 1, 2, 4, 5, 8, 9, 12, 16 and 19; and adding claims 22 and 23. As a result, claims 1-9, 11 -16 and 18 - 23 remain in the application. Applicant respectfully submits that no new matter has been added.

#### **Priority Under 35 U.S.C. § 119**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119. This application is a National Stage Application filed under 35 U.S.C. § 371.

#### **Information Disclosure Statement**

The Examiner indicates that the Information Disclosure Statement filed March 31, 2006 fails to comply with 37 C.F.R. § 1.98(a)(2) by not having a legible copy of each cited foreign patent document. Applicant is submitting herewith a Supplemental Information Disclosure Statement along with a legible copy of each cited foreign patent document. The Applicant respectfully requests the Examiner to indicate consideration of these cited foreign patent documents.

#### **Rejections Under 35 U.S.C. § 101**

Claims 10 and 17 stand rejected under 35 U.S.C. § 101. As Applicant has cancelled claims 10 and 17, Applicant respectfully submits that this rejection is now moot.

#### **Rejections Under 35 U.S.C. § 112**

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

With respect to claim 1, Applicant has amended the claim to remove the use of “it” and “its.” Applicant respectfully submits that support for this amendment to claim 1 is found at least at page 13, line 4-page 14, line 6; and in Figs. 1-5.

With respect to claim 2, Applicant has amended the claim to provide antecedent basis.

Claims 2, 4 and 16 stand rejected with respect to the limitation of “Shore hardness.” Applicant has amended the claims to recite that it is Shore hardness “A” and respectfully submits that one of ordinary skill in the art would understand that this is described in the specification.

In the specification, at least at page 5, lines 18-26; page 6, lines 13-33; and page 19, lines 5-6, Applicant describes the properties of the matrix material and the surface material on the rollers, for example, in one embodiment, rubber rollers. As one of ordinary skill in the art knows, there are two Shore scales: the A scale for softer plastics and the D scale for harder plastics. Accordingly, one of ordinary skill in the art, reading Applicant’s specification, will understand that Shore hardness A is the scale being used for the matrix material and the roller surface material as described.

Accordingly, Applicant respectfully submits that the type of Shore hardness is supported in the specification and claims 2, 4 and 16, as amended, are in compliance with § 112.

Claims 4, 5, and 16 have been rejected as being indeterminate because of the use of the term “preferably.” Applicant has amended claims 4, 5 and 16 to remove the use of the term “preferably” and respectfully submits that these claims are now in compliance with 35 U.S.C. § 112.

### **Rejections Under 35 U.S.C. § 102**

Claims 1, 6, 7, 9, 11, 12 and 14 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Okubo, U.S. Patent 5,480,596. Applicant respectfully traverses.

As all claims depend from independent claim 1, Applicant submits that Okubo does not anticipate that which is recited in independent claim 1, as amended, for at least the

reason that Okubo does not disclose a tool for generating a microstructured surface comprising a matrix and a pressure roller drivable over a surface, for pressing a matrix onto the surface, where the pressure roller and matrix are arranged so that when the pressure roller is driven over the surface the matrix executes a rolling movement between the pressure roller and the surface and where a device for accelerating the curing of a curable material is arranged so that when the pressure roller is driven over the surface the “curing acceleration device accompanies the movement of the pressure roller and the curing acceleration device acts on a part of the surface,” as recited in claim 1, as amended.

Okubo is directed to an apparatus and method for producing an optical recording medium to form a photo-curable resin layer that bears a pattern corresponding to pre-formatting information. (Abstract). Referring to Okubo, Fig. 1, a substrate sheet 1 is fed through feed rolls 2 and a photo-cured resin layer 9' is formed on the substrate 1. The photo-cured resin layer 9' has a pattern formed on it from a roll stamper 3 and, as a result, a substrate sheet for an optical recording medium is obtained where the patterns of the stamper have been transferred to the photo-curable resin layer on the substrate sheet. (Column 4, line 58-Column 5, line 28; Fig. 1).

Okubo discloses that the substrate sheet 1 is transported past the roll stamper 3 in order to provide the resin layer with the desired pattern. Further, an ultraviolet lamp 13 is provided above the roll stamper 3 to cure the resin layer 9' as the substrate sheet 1 is passed through. Thus, Okubo discloses a stationary roll stamper 3 and ultraviolet light 13 that remains in place as a flexible substrate 1 is transported past.

In contrast, as recited in claim 1, as amended, the pressure roller is drivable over a surface and the matrix is arranged with the pressure roller such that the matrix executes a rolling movement between the pressure roller and the surface. Further, a device for accelerating the curing of a curable material is arranged to accompany the movement of the pressure roller and to act on a part of the surface. Advantageously, embodiments of the present invention allow for a device that can be moved over a surface to be microstructured. It is especially advantageous if large surface areas, for example, airplane

wings, have to be micro-structured as the tool can be moved instead of the surface. Okubo discloses only a device for accelerating the curing that is stationary with respect to a surface to be micro-structured that is moved past the tool, instead of the tool moving over the surface.

Accordingly, for at least the reasons submitted above, Applicant respectfully submits that independent claim 1, and its dependent claims 6, 7, 9, 11, 12 and 14, are patentable over the Okubo reference.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-9, 11-16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Flohr-Shmitt, DE 19613383. Applicant respectfully traverses.

Preliminarily, Applicant notes that Applicant was not provided with a translation of Flohr-Shmitt and respectfully requests the Examiner to forward the written translation when it has been obtained. Applicant was, however, able to obtain an English translation of the Abstract from the German Patent Office web site and has enclosed a copy for the Examiner's convenience. Notwithstanding the lack of access to an English translation of Flohr-Shmitt, Applicant assumes, but reserves the right to disagree, that the Examiner's characterization is accurate.

As all rejected claims depend from independent claim 1, Applicant respectfully submits that Flohr-Shmitt does not render obvious that which is recited in claim 1, as amended, for at least the reason that Flohr-Shmitt does not disclose, teach, or suggest a tool for generating a micro-structured surface having a device for accelerating the curing of a curable material that is arranged so that when a pressure roller is driven over a surface "the curing acceleration device accompanies the movement of the pressure roller" and the curing acceleration device acts on a part of the surface, as recited in claim 1.

Flohr-Shmitt is directed to a die that applies micro-structures, especially flat surface holograms, diffractive structures or holographic optical elements to an object. The die material is a plastic which hardens after processing while retaining flexibility. (Abstract). To the best of Applicant's ability, it is understood that the surface 10 passes through the micro-structure surface roller 16 and another roller 14. It is clear that the surface 10 is

moving through the two rollers 14, 16 as indicated by the arrow showing movement of the surface 10.

Thus, for reasons similar to those submitted above with respect to Okubo, Applicant respectfully submits that Flohr-Shmitt does not render obvious that which is recited in the pending claims as Flohr-Shmitt, similar to Okubo, is directed to a stationary system and not to one that is meant to move over a surface on which a micro-structure is to be applied.

As new claims 22 and 23 depend, either directly or indirectly, from independent claim 1, Applicant respectfully submits that these claims are also patentable over the cited references of record.

In view of the foregoing, Applicant believes the pending claims are in condition for allowance and a notice to this effect is earnestly solicited. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees due to this submission under 37 C.F.R. §§ 1.16 and 1.17, or credit any balance, to Deposit Account No. 23-0804.

Respectfully submitted,

Volkmar Stenzel et al.

By: /charles l gagnebin iii/  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, MA 02109  
Tel: (617) 542-2290 Fax: (617) 451-0313

381002.1